

# **EXHIBIT F**

**Cowley, Steven M.**

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**From:** Lackman, Eleanor <eml@msk.com>  
**Sent:** Wednesday, December 22, 2021 11:31 PM  
**To:** Cowley, Steven M.; Mullins, Bradley; Edelstein, Lindsay  
**Cc:** Chen, Peggy S.  
**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

Counsel,

I cannot go past the comment regarding additional documents. We did not refuse to identify anything further. In fact, Lindsay identified other documents to you a few days ago. If you need us to resend that message, please let me know. We expect all of the identified documents to be included in the documents that should be divested of your possession, custody, or control, which is what "return" means. The fact that you refuse to delete all copies of the designated documents – in favor of retaining copies and simply sending copies to us – is a very big red flag.

We reached an agreement in principle; if our agreement is not finalized and the window closes, the plaintiff is left with no recourse. Subsequently, the court asked us to work out the confidentiality issues and granted an extension in part on that basis, and in part because we provided the courtesy to try to get this done rather than leave your client in the lurch. We have not worked the matter out, so we'll just go to the judge. Call them what you want, but they're not "wild threats." I have other projects to work on and cannot spend more time going around in circles simply because you prefer to play games rather than wrap this matter up for your client on reasonable terms. You'll see our letter in the coming days. I'll update my client in the meantime that you have declined to discuss confidentiality until we have no leverage over the issue anymore.

Regards,  
Eleanor



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**From:** Cowley, Steven M. <SMCowley@duanemorris.com>  
**Sent:** Wednesday, December 22, 2021 11:23 PM  
**To:** Lackman, Eleanor <eml@msk.com>; Mullins, Bradley <bym@msk.com>; Edelstein, Lindsay <lre@msk.com>  
**Cc:** Chen, Peggy S. <PSChen@duanemorris.com>  
**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

-EXTERNAL MESSAGE-  
Counsel,